

2016 -- S 2678

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2016

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A N A C T

RELATING TO HEALTH AND SAFETY - PESTICIDE CONTROL

Introduced By: Senators Sosnowski, Kettle, Felag, Conley, and Archambault

Date Introduced: March 08, 2016

Referred To: Senate Environment & Agriculture

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 23-25-6 of the General Laws in Chapter 23-25 entitled "Pesticide
2 Control" is hereby amended to read as follows:

3 **23-25-6. Registration.** -- (a) Every pesticide which is distributed in the state shall be
4 registered with the director subject to the provisions of this chapter and shall be categorized for
5 registration purposes. These categories shall be: "consumer protection and health benefits
6 products" which means all disinfectants, sanitizers, germicides, biocides and other pesticides
7 labeled for use directly on humans or pets or in or around household premises and "agricultural
8 and other pesticides," which means restricted-use pesticides and other pesticides that are not
9 consumer protection and health benefits products. That registration shall be renewed annually
10 prior to January 31; provided, that registration is not required if a pesticide is shipped from one
11 plant or warehouse to another plant or warehouse operated by the same person and used solely at
12 the plant or warehouse as a constituent part to make a pesticide which is registered under the
13 provisions of this chapter or if the pesticide is distributed under the provisions of an experimental
14 use permit issued under § 23-25-7 or an experimental use permit issued by EPA.

15 (b) The applicant for registration shall file a statement with the director which shall
16 include:

17 (1) The name and address of the applicant and the name and address of the person whose
18 name will appear on the label, other than the applicant's;

19 (2) The name of the pesticide;

1 (3) Other necessary information required for completion of the department of
2 environmental management's application for registration form;

3 (4) A complete copy of the labeling accompanying the pesticide and a statement of all
4 claims to be made for it, including the directions for use and the use classification as provided for
5 in FIFRA.

6 (c) The director, when he or she deems it necessary in the administration of this chapter,
7 may require the submission of the complete formula of any pesticide, including the active and
8 inert ingredients.

9 (d) The director may require a full description of the tests made and the results of the
10 tests upon which the claims are based on any pesticide not registered pursuant to § 3 of FIFRA, 7
11 U.S.C. § 136a, or on any pesticide on which restrictions are being considered. In the case of
12 renewal of registration, a statement shall be required only with respect to information which is
13 different from that furnished when the pesticide was registered or last reregistered.

14 (e) The director may prescribe other necessary information by regulation.

15 (f) The applicant desiring to register a pesticide shall pay an annual registration fee of
16 fifty dollars (\$50.00) to the general treasurer for each pesticide registered for the applicant which
17 shall be credited by the general treasurer to the pesticide relief fund. Annually on November 1 the
18 general treasurer shall notify the director of the amount of funds contained in the pesticide relief
19 fund. If the pesticide relief fund shall exceed one million dollars (\$1,000,000) on that date, the
20 annual registration fee for the next following year commencing December 1 shall be twenty-five
21 dollars (\$25.00) which shall become part of the general fund. All registrations shall expire on
22 November 30, of any one year, unless sooner cancelled; provided, that a registration for a special
23 local need pursuant to this section which is disapproved by the administrator, EPA, shall expire
24 on the effective date of the administrator's disapproval.

25 (g) Any registration approved by the director and in effect on the 31st day of January, for
26 which a renewal application has been made and the proper fee paid, shall continue in full force
27 and effect until any time that the director notifies the applicant that the registration has been
28 renewed, or denied, in accord with the provisions of § 23-25-8. Forms for re-registration shall be
29 mailed to registrants at least thirty (30) days prior to the due date.

30 (h) (1) Provided the state of Rhode Island is certified by the administrator of EPA to
31 register pesticides pursuant to § 24(c) of FIFRA, 7 U.S.C. § 136v(c), the director shall require the
32 information set forth under subsections (b), (c), (d), and (e) and shall, subject to the terms and
33 conditions of the EPA certification, register the pesticide if he or she determines that:

34 (i) Its composition is such as to warrant the proposed claims for it;

1 (ii) Its labeling and other material required to be submitted comply with the requirements
2 of this chapter;

3 (iii) It will perform its intended function without unreasonable adverse effects on the
4 environment;

5 (iv) When used in accordance with widespread and commonly recognized practice, it
6 will not generally cause unreasonable adverse effects on the environment; and

7 (v) A special local need for the pesticide exists.

8 (vi) Upon a finding by the director that a special limited local need for an agricultural
9 pesticide exists, based upon an application made by a Rhode Island person, firm, corporation, or
10 other legal entity engaged in agriculture, or by an agricultural association, and not by the
11 manufacturer, the director shall waive all registration fees and surcharges associated with the
12 registration of that agricultural pesticide.

13 (2) Prior to registering a pesticide for a special local need, the director shall classify the
14 use of the pesticide for general or restricted use in conformity with § 3(d), 7 U.S.C. § 136a(d), of
15 FIFRA; provided, that the director shall not make any lack of essentiality a criterion for denying
16 registration of any pesticide. Where two (2) pesticides meet the requirements of this subdivision,
17 one should not be registered in preference to the other.

18 (3) The director may develop and promulgate any other requirements by regulation that
19 are necessary for the state plan to receive certification from EPA.

20 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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1 This act would authorize the director of the department of environmental management to
2 waive all registration fees and surcharges upon their finding that a special limited, local need
3 exists for the product.

4 This act would take effect upon passage.

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